

**Minutes of the Carlisle Board of Health  
April 22, 2014**

Present: Bill Risso (Chairman), Catherine Galligan, Vallabh Sarma, Donna Margolies, Lee Storrs. Also present: Linda Fantasia, Health Agent, Alex Brewster (Mosquito); Julie MacQueen

**MINUTES – It was moved (Galligan) and seconded (Margolies) to approve the minutes of 3/25/14 as amended. Motion passed 5-0-0. It was moved (Margolies) and seconded (Galligan) to approve the minutes of 3/25/14 as amended. Motion passed 5-0-0.**

Fantasia informed the Board that Region 4A and other public health regions have concerns about the proposed Budget Period 3 funding allocation due to the monies being allocated for startup of the new Health and Medical Coordinating Coalitions (HMCC). The Coalition is still in the planning stages and a governance structure has not been decided. The allocation will result in a reduction in the local public health funding. Region 4A is considering a “No” vote on concurrence unless the public health budget is fully funded. The Board agreed with this position.

**43 BEDFORD ROAD** – Julie MacQueen appeared before the Board to request approval of a new commercial kitchen. The kitchen will be built in an existing barn. The Zoning Board of Appeals issued a Special Permit under the Distinctive Structures Bylaw. The kitchen will be used to make chocolate candies. MacQueen currently has a wholesaler license and works out of an approved facility in Shirley. She would like to move the operation to her current home. Approximately 500 s.f. of the barn will be converted into the kitchen. The state must also approve the facility. The business can have up to three employees. Currently there is only MacQueen and a candymaker. MacQueen explained the operation to the Board. She makes approximately 40 chocolate bars per week. The company name is Pure7 Chocolate. She sells wholesale to local stores. She only works part-time but hopes to expand hours as the business grows. There will be no retail sales. Chocolate is the main ingredient. The tempering process takes time but uses very little equipment. The new kitchen will have a three bay sink and meets Food Code standards. The candy molds do not need cleaning. MacQueen said cocoa butter is a primary ingredient. The equipment is cleaned once a week or sooner depending on the flavor variety. Not much goes down the drain since the tempered chocolate is used as a starter for the next batch. Utensils are cleaned daily.

Fantasia said the record showed that the previous owner had obtained a Special Permit to renovate the barn into offices. At the time the Board of Health required a proof plan that the septic system could be enlarged to accommodate the proposed use. This was submitted and approved by the Board. The system is sized for six bedrooms to accommodate the house and one apartment. The system passed a Title 5 Inspection in 2012. Title 5 does not have specific design flows for a commercial kitchen. The closest rate would be office space which is 75 gpd/1000 s.f. It would be difficult to find a similar operation for comparison as allowed by Title 5. The previous owner had received a five bedroom deed restriction from the Board to free up 110 gpd capacity for the office space. Since the offices were never built the restriction was never recorded. MacQueen would like to do something similar. The Board agreed that the operation would have minimal increase in flows, an engineered plan to upgrade the system to full capacity had been submitted and a bedroom deed restriction would bring the proposed usage into compliance with Title 5. The Board was concerned about disposing of fats, oils and grease (FOG) into the system. MacQueen said she would be willing to add a grease trap to the sink. This may already be required under the Plumbing Code. MacQueen agreed that she would return to the Board for any future changes in use.

The kitchen plan had been reviewed by the Board’s consultant, Randy Phelps. Items noted include: dumpster to be on a solid base; hand washing sink requirements to be addressed, only NSF or ANSI approved equipment allowed; shield for all lighting equipment in food preparation area; floor tiles sealed and non-permeable; ability to clean under equipment; door sweeps to prevent rodents, all building materials, caulks and adhesives food grade materials. A pre-opening inspection will be required along with semi-annual commercial kitchen inspections.

MacQueen asked about the fees. She had paid the \$200.00 plan review fee. An annual commercial food establishment permit is \$415. The business will also need a state license which is \$500. This is a large amount for a small, part time operation. She asked if the Board would consider pro-rating the Annual Fee. The Board agreed to wait for the consultant’s invoice before deciding. The kitchen will still require at least two more inspections this year. MacQueen did not have a work completion date for the renovation. A building permit has not yet been issued.

**It was moved (Storrs) and seconded (Galligan) to approve a five bedroom deed restriction for 443-47 Bedford Road without a garbage grinder to allow for the construction of a 500 s.f. commercial kitchen conditional upon installation of an under the sink grease trap in the facility and proof of recording of the restriction prior to issuance of a building permit. Motion passed 5-0-0.**

**88 FOREST PARK DRIVE** – the Board had been asked to expedite the renovation of the house to make it handicap accessible. The work was being done by volunteers with limited availability. The renovations include enlarging the master bedroom and bathroom, adding a screen porch and deck, mudroom and two new rooms in the basement. The room count will go from nine to ten rooms. There is a four bedroom septic system which was replaced in 2005. The system required two waivers under local upgrade approval: less than four feet separation to groundwater and less than four feet of naturally occurring soils, due to ledge. Under Title 5's Maximum Feasible Compliance formula these are the last two waivers that should be considered. This was of concern to the Board. As a condition for granting the waivers, the system had been enlarged to include a garbage grinder allowance but there was also a garbage grinder restriction. The additional capacity was intended to increase treatment area to help offset the two waivers. Since the additional capacity was a condition of the waivers, it could not be used for the tenth room. The Board noted that the house will still only have four bedrooms. The additional living space should not degrade the system. The renovations require relocating the force main around the new garage and a new tie in from the master bedroom bath. The Board's consultant had reviewed the proposed sewer tie in but had some questions: elevation of the inlet and outlet pipes from the tank and whether the existing pump had sufficient capacity to meet the demands of the longer force main. The engineering firm had been notified. The Board agreed that a four bedroom deed restriction would be appropriate and a revised plan addressing the review must be submitted.

**It was moved (Galligan) and seconded (Storrs) to approve a four bedroom deed restriction for 88 Forest Park Drive, to accommodate renovations to the house as submitted to the Board 4/22/14 and conditional upon addressing deficiencies noted in Technical Consulting Review dated 4/22/14 and proof of recording prior to issuance of a Building Permit. Motion passed 5-0-0.**

Any additional changes to either the floor plan or force main will need to be reviewed again by the Board.

**BILLS** – Engineering invoice for plan reviews and Benfield As-Built and Operations Manual comments. Benfield billings are reimbursable. **It was moved (Galligan) and seconded (Margolies) to approve the bills as presented for payment. Motion passed 5-0-0.**

## **ADMINISTRATIVE REPORTS**

**Bi-Annual Well Testing** – Nashoba Analytical will do the sampling on 5/17/14.

**MA Dept Public Health Intern** – David Estabrook, a Masters in Public Health student at U. Mass. has accepted the internship. Estabrook met with Margolies, Galligan and Fantasia on 4/18/14 to discuss the project. He will begin his work on interpreting state health statistics for the community in May.

**149 Russell Street** – Wells Fargo (lien holder) assigned a property manager who is recommending that the house be demolished due to the water damage and mold. He was given a copy of the Board's Advisory Letter stating that the house could not be occupied until it was made safe.

**Benfield Farms** – Deed Recording information on the septic system was received.

Risso gave an update on the status of the special septic reserve account. Risso, Fantasia, Elizabeth Barnett (Carlisle Housing Authority), Larry Barton (Finance Director) and Tim Goddard (Town Administrator) had met earlier in the day with Toby Kramer and Phil Giffie of Neighborhood of Affordable Housing (NOAH) to discuss the holding of the escrow account. Currently both the short term and long term special reserve account for repairs and/or replacement of the septic system are held by Bank of America. Only NOAH has access to the funds. According to the permit conditions, the account must be in a form satisfactory to the Board and approved by town counsel. Since the special reserve account is a condition of the Board's septic permit, the Board or the town should have access.

The initial funding requirement of \$25,000 has been met. The account will be fully funded up to \$100,000 in fifteen years. NOAH can spend up to \$13,000 without notification to the Board. This was intended to allow immediate access for minor repairs. There is no stipulation as to how frequently this can occur. NOAH disagrees that the town needs to hold the funds, claiming that it is the facility owner and therefore responsible: NOAH has an established track record for these types of developments; the development is overseen by the Carlisle Housing Authority which holds the ground lease for the town. NOAH was not willing to change the status of the escrow account. Since the requirement is a condition of the Board's permit, the Board has the authority to change or clarify the condition without affecting the Comprehensive Permit issued by the Zoning Board. There was no resolution other than to seek an opinion from town counsel comment.

The Board believes that an "escrow" account should be held by the town since it is for the benefit or protection of the town. This is also the position of Barton, Goddard and the Dept. of Environmental Protection (DEP). For Benfield, it might be possible to authorize the Finance Director to manage the account of which NOAH would provide notice for expenses up to \$13,000 and request approval for any amount greater. Local regulations require reserve accounts for large systems but the definition could be better defined. The Board agreed that if this condition is to apply generally to all future multi-housing developments, it should be stated upfront. It was a condition in the Coventry Woods 40B Permit although the development was never built.

The septic system is still operating under a Temporary Certificate of Compliance. NOAH has addressed some of the outstanding issues: revised Operations Manual has been submitted and is being reviewed by Frado and Fantasia; Deed Recording information has been provided. The escrow account remains outstanding. Fantasia noted that it would be good for the Board to be copied on the water tests since there have been problems with the water supply system that are being corrected. There is also an outstanding engineering fee for March. NOAH has been sent a reminder.

**Pending:** These are projects that the Board and staff will continue to work on:

- Annual Goals – final draft is still pending
  - Revised Well Application – final draft is being reviewed by Well Inspector
  - Mosquito Control History Project – in the process of being edited;
  - Office Tour – to be scheduled.
  - Emergency Procedures – meeting to be scheduled
- The Board agreed to combine these two projects and schedule soon.
- Registered Marijuana Dispensary (RMD) local health regulations. The Board will make this an agenda item in the near future.

## **DISCUSSION ITEMS**

**81 Russell Street** – DEP would like to know if the Board has any comments relative to the public water supply (PWS). The Board agreed to request the following: (1) any private wells either for irrigation or fire cistern should be considered in the overall drawdown calculations for the PWS; (2) there should be no irrigation – the Board recommends xeriscaping landscaping; (3) the existing well if it remains should be included in the drawdown calculations or if not, that it be properly decommissioned. (4) water meters should be installed in each unit. (5) the Board would like to witness the pump test. Fantasia will pass the recommendations on to Jim Persky of the Drinking Water Program responsible for issuing the PWS permit.

**5 Lowell and 14-18 Westford Street.** The property consists of three attached structures in the center housing a condominium (5 Lowell), three apartments and office (14 Westford) and dentist office (18 Westford St). The property is served by a FAST alternative septic system which requires quarterly inspections and monitoring. Previously the property was owned by Wheat Tavern Trust under a single owner. During the last year two of the units (14-18 Westford) were sold to separate legal entities. This would make the system a shared system. Although the system has not had any problems, it is important for the new owners to be aware of the monitoring conditions, have a current inspection agreement in place, and do a Title 5 Inspection every three years. The Board asked Fantasia to find out whether there is a condominium association that owns the system and invite the owners to a meeting to clarify any Title 5 issues so that the system remains in compliance.

Galligan said that multi-unit housing continues to be problematic for the Board as far as monitoring septic and well compliance. She suggested that the Board consider an annual licensing for these developments. This would provide the Board with legal authority to enforce compliance. Fantasia said Rocky Point (Laurel Hollow) and Malcolm Meadows have annual reporting requirements but it is difficult to enforce because the Homeowners Association (HOA) consists of owners who are not the best property managers. The annual licensing would be an opportunity for the Board to take any corrective action and issue fines if necessary.

For the Westford Street properties the Board suggested sending a letter to each owner asking them to attend the next meeting. It would be helpful if the town were notified of changes in ownership. The Assessors eventually receive this information. Fantasia will check to see if there is some way to share the information. The Town Administrator may have suggestions. As the Local Approving Authority for Title 5 it is the Board's responsibility to make sure all systems are in compliance regardless of changes in ownership.

**Medical Marijuana Bylaw** – The Board agreed to support the zoning amendment at town meeting. The Board has already voted this position.

There was no further business. Meeting voted to adjourn at 8:50 pm.

Respectfully submitted,

Linda M. Fantasia, Recorder